

SAUDI ARABIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of Saudi Arabia is a monarchy ruled by King Salman bin Abdulaziz Al Saud, who is both head of state and head of government. The government bases its legitimacy on its interpretation of sharia (Islamic law) and the 1992 Basic Law, which specifies that the rulers of the country shall be male descendants of the founder, King Abdulaziz bin Abdulrahman Al Saud. The Basic Law sets out the system of governance, rights of citizens, powers and duties of the government, and provides that the Quran and Sunna (the traditions of the Prophet Muhammad) serve as the country's constitution. In 2015 the country held municipal elections on a nonparty basis for two-thirds of the 3,159 seats in the 284 municipal councils around the country. Information on whether the elections met international standards was not available, but independent polling station observers identified no significant irregularities with the elections. For the first time, women were allowed to vote and run as candidates.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights issues included unlawful killings, including execution for other than the most serious offenses and without requisite due process; torture; arbitrary arrest and detention, including of lawyers, human rights activists, and antigovernment reformists; political prisoners; arbitrary interference with privacy; restrictions on freedom of expression, including on the internet, and criminalization of libel; restrictions on freedoms of peaceful assembly, association, movement, and religion; citizens' lack of ability and legal means to choose their government through free and fair elections; trafficking in persons; violence and official gender discrimination against women, although new women's rights initiatives were announced; and criminalization of same sex sexual activity.

Beginning in November the government detained approximately 200 government officials, businesspersons, and royal family members ostensibly to investigate allegations of widespread corruption. According to media reports, members of the security forces coerced with relative impunity at least some of the detainees to the point of requiring medical care.

The country continued air operations in Yemen as leader of a military coalition formed in 2015 to counter the 2014 forceful takeover of the Republic of Yemen's government institutions and facilities by Houthi militias and security forces loyal

to former president Ali Abdullah Saleh. Saudi-led coalition airstrikes in Yemen resulted in civilian casualties and damage to infrastructure on multiple occasions, and the United Nations and nongovernmental organizations (NGOs), such as Human Rights Watch (HRW) and Amnesty International, reported that some coalition airstrikes caused disproportionate collateral damage. Houthi-Saleh militias regularly conducted cross-border raids into Saudi territory and fired missiles and artillery into southern Saudi Arabia throughout the year, killing Saudi civilians. The coalition's Joint Incident Assessment Team (JIAT), established by the Saudi government and based in Riyadh, investigated allegations of civilian casualties, published recommendations, and in some cases provided compensation to affected families, although no prosecutions occurred.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were allegations the government or its agents committed arbitrary or unlawful killings. On February 26, Saudi police arrested 35 transgender Pakistanis at a party in Riyadh; one of them, Mohammed Amin, died while in police custody. A Pakistani transgender rights activist claimed Amin's death was the result of torture. Riyadh police said the cause of death was a heart attack.

Under the country's interpretation and practice of sharia, capital punishment can be imposed for a range of nonviolent offenses, including apostasy, sorcery, and adultery, although in practice death sentences for such offenses were rare and often reduced on appeal. The government, however, frequently implemented capital punishment for nonviolent drug trafficking offenses. According to the governmental Saudi Press Agency, the country carried out 141 executions during the year, 59 of which were for drug-related offenses. On June 1, the United Kingdom-based human rights group Reprieve reported that 41 percent of executions in the first five months of the year were for nonviolent crimes.

Since the country lacks a formal written penal code listing criminal offenses and the associated penalties for them (see section 1.e.), punishment--including the imposition of capital punishment--is subject to considerable judicial discretion in the courts. Defendants are able to appeal their sentences. The law requires a five-judge appellate court to affirm a death sentence, which a five-judge panel of the Supreme Court must unanimously affirm. Appellate courts may recommend changes to a sentence, including increasing a lesser sentence to the death penalty.

Defendants possess no right under the law to seek a pardon or commutation of a death sentence for all crimes. The law of criminal procedure states that a victim's heirs may grant a pardon for private crimes but that the king may issue a pardon "on pardonable matters" for public crimes only. The king generally issues such pardons annually during the holy month of Ramadan, in advance of which the Ministry of Interior publishes a list of terms and conditions defining eligibility to receive a royal pardon (see section 1.d.). The stated conditions generally exclude specific criminal categories, such as those convicted of crimes involving state security.

Many of the executions implemented during the year applied to individuals whose trials did not meet international minimum fair trial standards, according to Amnesty International. Amnesty International also claimed that "those sentenced to death are often convicted solely on the basis of 'confessions' obtained under torture and other mistreatment, denied legal representation in trials which are held in secret, and are not kept informed of the progress of the legal proceedings in their case."

On July 11, authorities executed four individuals--Amjad al-Moaibad, Yusuf al-Mushaikhas, Zaher al-Basri, and Mahdi al-Sayegh--on terrorism-related charges connected to the 2011-12 protests in the Eastern Province. Human rights organizations reported their convictions were based on confessions extracted through prolonged solitary confinement and torture. Local and international human rights organizations noted that the trial before the Specialized Criminal Court (SCC) lacked transparency and did not adhere to minimum fair trial standards.

On July 27, the SCC's appellate division upheld the death sentences issued in December 2016 to 15 individuals accused of spying for Iran, according to Saudi newspaper *Arab News*. Human rights organizations claimed their trial was characterized by a lack of transparency and multiple due process violations.

The government also imposed death sentences for crimes committed by minors. According to numerous human rights organizations, at least nine individuals currently on death row were minors at the time they committed offenses. Other sources claimed some of these individuals may have been over the age of 18 according to the Hijri calendar, which Saudi courts use to determine dates and age. In August the Supreme Court upheld the SCC's July 2016 death sentence for Abdulkareem al-Hawaj for crimes he allegedly committed in 2012 at age 16,

including “throwing two Molotov cocktails,” “participating in riots that resulted in the shooting of an armored vehicle,” “participating in illegal gatherings,” “chanting against the state,” and using social media “to insult the leaders,” according to Amnesty International. Hawaj remained on death row.

In 2015 the Supreme Court affirmed the 2014 death sentence for Ali Mohammed Baqir al-Nimr, who was convicted of crimes he allegedly committed when he was 17. Al-Nimr was charged with protesting, making and throwing Molotov cocktails at police, aiding and abetting fugitives, attempting to attack security vehicles, encouraging others to participate in protests, and involvement with individuals who possessed and distributed ammunition. As of September the execution had not been carried out. Human rights organizations reported due process concerns relating to minimum fair trial standards, including allegations that authorities arrested al-Nimr without a warrant, obtained a confession using torture, and repeatedly denied him access to his lawyer during the sentencing and appeals process. Al-Nimr is the nephew of Shia cleric Nimr al-Nimr, who was executed in 2016 after being convicted of criticizing officials, disobeying the ruler, inciting sectarian strife, and encouraging, leading, and participating in violent demonstrations.

There were terrorist attacks in the country during the year. For example, a judge in Qatif governorate, Mohammed al-Jirani, was kidnapped in December 2016 and later killed. Security forces found his body during a raid on December 19.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and makes criminal investigation officers liable for any abuse of authority. Sharia, as interpreted in the country, prohibits judges from accepting confessions obtained under duress. Statutory law provides that public investigators shall not subject accused persons to coercive measures to influence their testimony.

Multiple human rights organizations, the United Nations, and independent third parties noted numerous reports of torture and mistreatment of detainees by law enforcement officers. In a May press release, UN Special Rapporteur on human

rights and counter-terrorism Ben Emmerson noted concern regarding “the persistence of reports of the use of torture and mistreatment by law enforcement officials to extract confessions, as well as the alleged failure to launch effective investigations based on the complaints received from defendants and their lawyers during or before the court hearings.” Authorities denied officials commit torture and said they afford all detainees due process and properly investigate credible complaints of mistreatment or torture.

In November the *New York Times* reported that as many as 17 persons detained in the government’s anticorruption campaign that began on November 4 had required medical treatment.

Amnesty International, HRW, and other organizations also reported cases in which the SCC based its decisions on confessions allegedly obtained through torture and then admitted as evidence. In June 2016 the UN Committee against Torture noted that courts admitted coerced confessions as evidence. According to the committee, SCC judges “repeatedly refused to act on claims made by defendants facing terrorism charges that they were subjected to torture or mistreatment during interrogations for the purpose of compelling a confession, including in the cases of Fadhel al-Manasif, Ali al-Nimr, Dawoud al-Marhoun, and Abdullah al-Zaher” (see section 1.a.). During the year the Supreme Court upheld death sentences for a group of 14 Shia who claimed that authorities tortured them to obtain confessions.

Former detainees in facilities run by the General Investigations Directorate (the country’s internal security forces, also known as “Mabahith”) alleged that abuse included beatings, sleep deprivation, and long periods of solitary confinement for nonviolent detainees.

Saudi officials from the Ministry of Interior, the Public Prosecutor’s Office (PPO), and the Human Rights Commission (HRC) claimed that rules prohibiting torture prevented such practices from occurring in the penal system. The ministry said it installed surveillance cameras to record interrogations of suspects in some criminal investigation offices, police stations, and prisons where such interrogations regularly occurred, such as the General Investigations Directorate/Mabahith prison facilities. There were reports that defendants who requested copies of video footage from the ministry’s surveillance system to provide as evidence of torture did not receive it.

Representatives from the PPO, HRC, and the National Society for Human Rights (NSHR), a quasi-governmental organization supported by a trust funded by the

estate of the late King Fahd, conducted prison visits to ascertain whether torture occurred in prisons or detention centers and maintained permanent branches in eight facilities. The NSHR said it found no evidence during the year substantiating any allegation of torture. A February 2016 UN Committee against Torture report stated the NSHR had received 368 reports of “abuse or unlawful treatment” since 2004; it did not state how many reports had been referred for investigation. In 2015 the HRC received 19 complaints relating to abuse and referred one case for criminal investigation, according to the UN report. Independent institutions did not conduct regular, unannounced visits to places of detention, according to the UN Committee against Torture.

The courts continued to use corporal punishment as a judicial penalty, usually in the form of floggings, whippings, or lashings, a common punishment that government officials defended as dictated by sharia. According to local human rights activists, police conducted the floggings according to a set of guidelines determined by local interpretation of sharia. The police official administering the punishment must place a copy of the Quran under his arm that prevents raising the hand above the head, limiting the ability to inflict pain or injury on the person subjected to the punishment, and instructions forbid police from breaking the skin or causing scarring when administering the lashes. Human rights organizations disputed that officials implemented floggings according to these guidelines for all prisoners and characterized flogging as a form of cruel and unusual punishment.

Ashraf Fayadh, a Saudi resident of Palestinian origin, continued to serve an eight-year prison term and suffered 800 lashes in February 2016 after a Saudi appellate court upheld the Abha General Court’s verdict finding him guilty of apostasy, spreading atheism, threatening the morals of Saudi society, and having illicit relations with women. Fayadh was initially sentenced to death in 2015 for apostasy because of poetry he wrote that authorities interpreted as offensive to Islam. A lower court then commuted the death sentence to prison term and lashes.

There were no reported cases of judicially administered amputation during the year.

Prison and Detention Center Conditions

Prison and detention center conditions varied, and some did not meet international standards; reported problems included overcrowding and inadequate conditions.

Physical Conditions: In July the HRC reported that the most common problems observed during prison visits conducted in 2016 included overcrowding and inmate numbers exceeding the allocated capacity, as well as insufficient facilities for inmates with disabilities. In July the NSHR also reported it found overcrowding and inadequate conditions at some prison and detention facilities.

Juveniles constituted less than 1 percent of detainees and were held in separate facilities from adults, according to available information.

Violations listed in NSHR reports following prison visits documented shortages of properly trained wardens and lack of prompt access to medical treatment and services, including medication, when requested. Some prisoners alleged that prison authorities maintained cold temperatures in prison facilities and deliberately kept lights on 24 hours a day to make prisoners uncomfortable.

Human rights activists reported that deaths in prisons, jails, or pretrial detention centers were infrequent (see section 1.a.).

Authorities held pretrial detainees together with convicted prisoners. They separated persons suspected or convicted of terrorism offenses from the general population but held them in similar facilities. Activists alleged that authorities sometimes detained individuals in the same cells as individuals with mental disabilities as a form of punishment and indicated that authorities mistreated persons with disabilities.

Administration: There were multiple legal authorities for prisons and detention centers. At year's end, the authorities and reporting structures for the country's prison and detention facilities remained under review as part of a broader reform of the security apparatus (see section 1.d.), although the General Directorate of Prisons continued to administer non-Mabahith-run facilities. The General Directorate of Prisons administered approximately 91 detention centers, prisons, and jails, while the General Investigations Directorate/Mabahith administered approximately 20 regional prisons and detention centers for security prisoners. Article 37 of the law of criminal procedure gives members of the PPO the authority to conduct official visits of prisons and detention facilities "within their jurisdictional areas to ensure that no person is unlawfully imprisoned or detained" (see section 1.d. Arrest Procedures and Treatment of Detainees).

No ombudsmen were available to register or investigate complaints made by prisoners, although prisoners could and did submit complaints to the HRC and the

NSHR for follow up. Article 38 of the law of criminal procedure provides that “any prisoner or detainee shall have the right to submit, at any time, a written or verbal complaint to the prison or detention center officer and request that he communicate it to a member of the [former] Bureau of Investigations and Public Prosecution [renamed the PPO].” Under the law there is no right to submit complaints directly to judicial authorities or to challenge the legality of an individual’s detention before a court of law (*habeas corpus*). There was no information available on whether prisoners were able to submit complaints to prison or prosecutorial authorities without censorship, or whether authorities responded or acted upon complaints.

Recordkeeping on prisoners was inadequate; there were reports authorities held prisoners after they had completed their sentences. In July the HRC reported extended periods of investigation, which exceeded the maximum allowable time in certain instances, and a backlog of some cases due to delays in court scheduling.

A Ministry of Interior-run website (*Nafetha*) provided detainees and their relatives access to a database containing information about the legal status of the detainee, including any scheduled trial dates. Activists said the website did not provide information about all detainees.

Authorities differentiated between violent and nonviolent prisoners, sometimes pardoning nonviolent prisoners to reduce the prison population. Certain prisoners convicted on terrorism-related charges were required to participate in government-sponsored rehabilitation programs before consideration of their release.

Authorities generally permitted relatives and friends to visit prisoners twice a week, although certain prisons limited visitation to once every 15 days. There were reports that prison, security, or law-enforcement officials denied this privilege in some instances, often during ongoing investigations. The families of detainees could access the *Nafetha* website for applications for prison visits, temporary leave from prison (generally approved around the post-Ramadan Eid holidays), and release on bail (for pretrial detainees). Family members of detained persons complained that authorities canceled scheduled visits with relatives without reason.

Authorities permitted Muslim detainees and prisoners to perform religious observances such as prayers, but prison authorities in Mabathith prison facilities reportedly did not arrange for detainees to conduct Friday Islamic congregational prayer services.

Independent Monitoring: During the year the government permitted UN Special Rapporteur on human rights and counterterrorism Emmerson and some foreign diplomats to visit some prison facilities to view general conditions in nonconsular cases. In a limited number of cases, foreign diplomats visited individuals in detention, but the visits took place in a separate visitors' center where conditions may have differed from those in the detention facilities holding the prisoners.

The government permitted the HRC and domestic quasi-governmental organizations, such as the NSHR, to monitor prison conditions. The organizations stated they visited prisons throughout the country and reported on prison conditions. In July the HRC reported it conducted 857 prison visits in the previous hijri year (between approximately October 2015 and October 2016), including 225 visits to Mabath prisons. The NSHR monitored health care in prisons and brought deficiencies to the attention of the PPO. In 2015 the NSHR documented 422 prison-related complaints, including lack of access to medical care, poor hygiene and sanitation, overcrowding, poor ventilation, and understaffing.

d. Arbitrary Arrest or Detention

The law provides that no entity may restrict a person's actions or imprison a person, except under the provisions of the law. The law of criminal procedure provides that authorities may not detain a person for more than 24 hours, except pursuant to a written order from a public investigator. Authorities must inform the detained person of the reasons for detention. Regardless, the Ministry of Interior and the State Security Presidency (SSP), to which the majority of forces with arrest powers reported, maintained broad authority in law and in practice to arrest and detain persons indefinitely without judicial oversight, notification of charges against them, or effective access to legal counsel or family. Authorities held persons for months and sometimes years without charge or trial and reportedly failed to advise them promptly of their rights, including their legal right to be represented by an attorney. Under the law of criminal procedure, detentions can be extended administratively for up to six months at the discretion of the PPO.

Under the 2017 counterterrorism law, the PPO may order the detention of any person accused of a crime under that law for a period, or successive periods not exceeding 30 days each, and in total not more than 12 months. The SCC must authorize periods of detention of more than 12 months. In practice the United Nations and international human rights organizations documented numerous cases

of detention that reportedly exceeded the maximum allowable period under the law.

By law defendants accused of any crime cited in the law are entitled to hire a practicing lawyer to defend themselves before the court “within an adequate period of time to be decided by the investigatory body.”

Role of the Police and Security Apparatus

In July, King Salman issued a royal decree that established the SSP, a new entity reporting directly to the king, meant to consolidate “the counterterrorism and domestic intelligence services” and “all matters related to state security, ... combatting terrorism, and financial investigations,” according to the official Saudi Press Agency. The royal decree separated the Mabahith, Special Security Forces, Special Emergency Forces, General Security Aviation Command, General Directorate of Technical Affairs, and the National Information Center from the Ministry of Interior and attached them to the SSP, while police, traffic, and the General Directorate of Passports remained under the Ministry of Interior, according to the Ministry of Information’s website.

The king, the SSP, and the Ministries of Defense and Interior, in addition to the Ministry of National Guard, are responsible for law enforcement and maintenance of order. The SSP and Ministry of Interior exercise primary control over internal security and police forces. The civil police and the internal security police have authority to arrest and detain individuals. Civilian authorities maintained effective control over security forces, and the government had mechanisms to investigate and punish abuse and corruption. Military and security courts investigated abuses of authority and security force killings. The UN Committee against Torture noted that the lack of frequent investigations into abuses by the Committee for the Promotion of Virtue and the Prevention of Vice (CPVPV) created a climate of impunity (see section 1.c.).

The CPVPV, which monitors public behavior to enforce strict adherence to the official interpretation of Islamic norms, reports to the king via the Royal Diwan (royal court) and to the Ministry of Interior. In April 2016 the cabinet issued regulations severely curtailing the CPVPV’s enforcement powers. The new regulations prohibit CPVPV officers from investigating, detaining or arresting, or requesting the identification of any individual. The regulations also limit their activities to providing counseling and reporting individuals suspected of violating the law to police or other authorities. Evidence available at year’s end indicated

that CPVPV officers were less visibly present and active after implementation of the new strictures.

Ministry of Interior and SSP police and security forces were generally effective at maintaining order. The Board of Grievances (“Diwan al-Mazalim”), a high-level administrative judicial body that hears cases against government entities and reports directly to the king, is the only formal mechanism available to seek redress for claims of abuse. Citizens may report abuses by security forces at any police station, to the HRC, or to the NSHR. The HRC and NSHR maintained records of complaints and outcomes, but privacy laws protected information about individual cases, and information was not publicly available. During the year the Board of Grievances held hearings and adjudicated claims of wrongdoing, but there were no reported prosecutions of security force members for human rights violations. The HRC, in cooperation with the Ministry of Education, provided materials and training to police, other security forces, the Ministry of Defense, and the CPVPV on protecting human rights.

Officers of the Mabathith also have broad authorities to investigate, detain, and forward “national security” cases to judicial authorities--which ranged from terrorism cases to dissident and human rights activist cases--separate from the PPO. A 2014 Ministry of Justice decree formalized and reaffirmed the role of the SCC, founded in 2008 to try terrorism offenses, following the promulgation of a counterterrorism law that year.

The Supreme Anti-Corruption Committee, Nazaha, PPO, and the Control and Investigation Board are units of the government with authority to investigate reports of criminal activity, corruption, and “disciplinary cases” involving government employees. These bodies are responsible for investigating potential cases and referring them to the administrative courts. Legal authorities for investigation and public prosecution of criminal offenses are consolidated within the PPO; the Control and Investigation Board is responsible for investigation and prosecution of noncriminal cases. All financial audit and control functions are limited to the General Auditing Board.

In May security forces began the demolition of buildings in the 400-year-old predominantly Shia neighborhood of al-Musawara, in the village of Awamiya, Qatif governorate, in the Eastern Province. The government claimed the demolition was necessary to remove militant elements from the area. According to press and NGO reports, some residents claimed security forces used heavy-handed tactics against civilians, while the government claimed it responded to resistance

from militants with proportionate force during the demolitions. Hundreds of homes and dozens of other buildings were reportedly demolished, including a historic Shia mosque. International media reported on the displacement of hundreds of residents and deaths of more than 15 persons. Some NGOs also claimed that security forces fired on areas outside of al-Musawara, allegedly killing residents and preventing access to essential services. According to press reports, the government claimed security forces undertook a counterterrorism operation during which militants caused the deaths of 12 security personnel. In April, UN experts on cultural rights, housing, and extreme poverty called on the government to reverse the decision to demolish the neighborhood. Special Rapporteur for cultural rights Karima Bennouna warned that demolitions would “erase” the neighborhood’s “unique regional heritage.”

Arrest Procedures and Treatment of Detainees

In June, King Salman issued two royal decrees that created the PPO (formerly the Bureau of Investigations and Public Prosecution or BIPP), established as its head Attorney General Saud bin Abdullah bin Mubarak al-Mu’jab, and directed the newly named agency to report directly to the king (rather than the Ministry of Interior, to which the BIPP had reported). Saudi officials said these changes would increase the independence and effectiveness of the lead prosecutorial office.

According to the law of criminal procedure, “no person shall be arrested, searched, detained, or imprisoned except in cases provided by law, and any accused person shall have the right to seek the assistance of a lawyer or a representative to defend him during the investigation and trial stages.” By law authorities may summon any person for investigation and may issue an arrest warrant based on evidence. In practice authorities frequently did not use warrants, and warrants were not required under the law in all cases.

The law requires authorities to file charges within 72 hours of arrest and hold a trial within six months, subject to exceptions specified by amendments to the law of criminal procedure and the counterterrorism law (see section 2.a.). Authorities may not legally detain a person under arrest for more than 24 hours, except pursuant to a written order from a public investigator. Authorities reportedly often failed to observe these legal protections, and there was no requirement to advise suspects of their rights. There were also reports that authorities did not allow legal counsel access to detainees who were under investigation in pretrial detention. Judicial proceedings begin after authorities complete a full investigation, which in some cases took years.

The law of criminal procedure specifies procedures required for extending the detention period of an accused person beyond the initial five days. Authorities may approve official detentions in excess of six months in “exceptional circumstances,” effectively allowing individuals to be held in pretrial detention indefinitely. Authorities may also extend from three months to six months the deadline for the PPO to gather evidence against the accused and issue a warrant for the defendant’s arrest, summons, or detention.

There is a functioning bail system for less serious criminal charges. Detainees generally did not have the right to obtain a lawyer of their choice. The government provided lawyers to defendants who make a formal application to the Ministry of Justice to receive a court-appointed lawyer and prove their inability to pay for their legal representation. Detained human rights activists often did not trust the courts to appoint lawyers for them due to concern the lawyer would be biased. The law contains no provision for the right to be informed of the protections guaranteed under the law.

Incommunicado detention was sometimes a problem. Authorities reportedly did not always respect a detainees’ right to contact family members following detention, and the counterterrorism law allows the investigatory body to hold a defendant for up to 90 days in detention without access to family members or legal counsel, and the SCC may extend such restrictions beyond this period. Security and some other types of prisoners sometimes remained in prolonged solitary detention before family members or associates received information of their whereabouts, particularly for detainees in Mabath-run facilities.

Arbitrary Arrest: There were reports of arbitrary arrest and detention. During the year authorities detained security suspects, persons who publicly criticized the government, Shia religious leaders, and persons who violated religious standards, without charge.

On June 1, the UN Working Group on Arbitrary Detention (WGAD) issued an opinion finding that security services had detained Eastern Province resident Salim Abdullah Hussain Abu Abdullah without charge for more than two years and used torture to coerce him into confessing to crimes he did not commit.

On February 6, the WGAD issued an opinion expressing concerns over due process in the cases against Ali al-Nimr (see section 1.a.), Abdullah al-Zaher, and Dawood al-Marhoon (upheld by the Supreme Court in 2015). The statement noted

that the WGAD “is alarmed by the fact that the three minors were prosecuted and sentenced based upon laws which were only enacted two years after the time of their arrest. Such a retroactive application of the law is in clear contravention of the principle of legality and depriving the three of liberty arbitrarily.”

Pretrial Detention: Lengthy pretrial detention was a problem. In August the PPO found during inspections of prisons and detention centers across the kingdom that more than 2,000 individuals remained in detention without charge or trial since 2014. The attorney general ordered the cases be immediately examined, and the majority of detainees were reportedly released on bail. The attorney general also asked the courts to find an appropriate legal remedy for the affected individuals.

There was no current information available on the percentage of the prison population in pretrial detention or the average length of time held. Local human rights activists knew of dozens of cases and reportedly received regular reports from families claiming authorities held their relatives arbitrarily or without notification of charges.

During the year the SSP stated it had detained numerous individuals for terrorist acts. On January 31, local media reported there were 5,094 detainees in intelligence prisons across the kingdom, of whom 84 percent were Saudis.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Under the law detainees are not entitled to challenge the lawfulness of their detention before a court. In the case of wrongful detention, the law of criminal procedure, as well as provisions of the counterterrorism law, provide for the right to compensation if detainees are found to have been held unlawfully.

Amnesty: The law of criminal procedure stipulates that the king may issue a pardon “on pardonable matters” for public crimes only. The law of criminal procedure also states that a victim’s heirs may grant a pardon for private crimes. The Ministry of Interior publishes the conditions for royal pardons annually, and these generally exclude specific crime categories such as murder or drug smuggling, or those convicted of crimes involving state security. Under the country’s interpretation of sharia, there are three broad categories of offenses: (1) huddud or “boundary” crimes, which are explicitly enumerated in the Quran and whose corresponding punishments are also prescribed; these are considered crimes against God and thus not pardonable; (2) qisas or “legal retribution crimes,” which involve murder or intentional bodily harm and give the victim’s family or legal heirs the private right to legal retribution; the victim’s family or legal heirs may

grant a pardon in exchange for financial compensation (diya or “blood money,); and (3) crimes that do not reach the level of huddud or qisas and which are left to the discretion of the state (judge). Ta’azir or “discretionary” punishments are issued for crimes against public rights; this is the most frequently used basis for conviction.

The king continued the tradition of commuting some judicial punishments. Royal pardons sometimes set aside a conviction and sometimes reduced or eliminated corporal punishment. The remaining sentence could be added to a new sentence if the pardoned prisoner committed a crime subsequent to release.

Authorities did not detain some individuals who had received prison sentences. The counterterrorism law allows the PPO to stop proceedings against an individual who cooperates with investigations or helps thwart a planned terrorist attack. The law authorizes the SSP to release individuals already convicted.

e. Denial of Fair Public Trial

The law provides that judges are independent and not subject to any authority other than the provisions of sharia and the laws in force. Nevertheless, the judiciary, the PPO, and the SSP were not independent entities, as they were required to coordinate their decisions with executive authorities, with the king and crown prince as arbiters. Although public allegations of interference with judicial independence were rare, the judiciary reportedly was subject to influence, particularly in the case of legal decisions rendered by specialized judicial bodies, such as the SCC, which rarely acquitted suspects. Human rights activists reported that SCC judges received implicit instructions to issue harsh sentences against human rights activists, reformers, journalists, and dissidents not engaged in violent activities. Activists also reported that judicial and prosecutorial authorities ignored due process-related complaints, including lack of access by lawyers to their clients at critical stages of the judicial process, particularly during the pretrial/investigation phase.

There were reports during the year of extrajudicial detentions of senior members of the royal family and businesspersons. On November 4, King Salman issued a royal decree forming a new Supreme Anti-Corruption Committee. The royal decree exempted committee members--which included the crown prince, attorney general, and head of the SSP--from “all laws, regulations, instructions, orders, and decisions” that would impede anticorruption efforts. During the course of the campaign, which was ongoing at year’s end, the government announced the

detention of more than 200 individuals. Some of them reportedly negotiated financial settlements in exchange for their release, and it was expected that a number of others would instead elect to go to trial. At year's end no public trials had taken place.

On July 19, King Salman ordered the arrest and interrogation of Prince Saud bin Abdulaziz bin Musaed bin Saud bin Abdulaziz after a video emerged purporting to show the prince beating another person. In 2016 authorities executed Prince Turki bin Saud al-Kabir after he was found guilty of murder.

Trial Procedures

In the judicial system, there is no published case law on criminal matters, no uniform criminal code, no presumption of innocence, and no doctrine of stare decisis that binds judges to follow legal precedent. The law states that defendants should be treated equally in accordance with sharia. The Council of Senior Scholars (CSS), or the ulema, an autonomous advisory body, issues religious opinions (fatwas) that guide how judges interpret sharia.

In the absence of a penal code detailing all criminal offenses and punishments, judges in the courts determine many of these penalties through their interpretations of sharia, which varied according to the judge and the circumstances of the case. Because judges have considerable discretion in decision making, rulings and sentences diverged widely from case to case.

Several laws, however, provide sentencing requirements for crimes including terrorism, cybercrimes, trafficking in persons, and domestic abuse. In December 2016 the Ministry of Justice completed a compilation of previous decisions that judges could refer to as a point of reference in making rulings and assigning sentences.

According to law appeals courts cannot independently reverse lower court judgments; they are limited to affirming judgments or returning them to a lower court for modification. Even when judges did not affirm judgments, appeals judges in some cases remanded the judgment to the judge who originally authored the opinion. This procedure sometimes made it difficult for parties to receive a ruling that differed from the original judgment in cases where judges hesitated to admit error. While judges may base their decisions on any of the four Sunni schools of jurisprudence, all of which are represented in the CSS, the Hanbali school predominates and forms the basis for the country's law and legal

interpretations of sharia. Shia citizens use their legal traditions to adjudicate family law cases between Shia parties, although either party can decide to adjudicate a case in state courts, which use Sunni legal tradition.

While the law states that court hearings shall be public, courts may be closed at the judge's discretion. As a result, many trials during the year were closed. Foreign diplomatic missions were able to obtain permission to attend some nonconsular court proceedings (that is, cases to which neither the host country nor any of its nationals were a party; diplomatic missions are generally allowed to attend consular proceedings of their own nationals), and they did so throughout the year. To attend, authorities required diplomats to obtain advance written approval from the Ministry of Foreign Affairs, the Ministry of Justice, the court administration, and the presiding judge. Authorities sometimes did not permit entry to such trials to individuals other than diplomats who were not the legal agents or family members of the accused. SCC officials sometimes prevented individuals from attending trial sessions for seemingly trivial reasons, such as banning female relatives or diplomats from attending due to the absence of women officers to conduct security inspections of the women upon entry to the courtroom. According to the Ministry of Justice, authorities may close a trial depending on the sensitivity of the case to national security, the reputation of the defendant, or the safety of witnesses.

Representatives of the HRC, the Ministry of Justice, and sometimes representatives of the media regularly attended trials at the SCC.

Amendments to the law of criminal procedure in 2013 strengthened provisions stating that authorities will offer defendants a lawyer at government expense. In August the Ministry of Justice stated that defendants “enjoy all judicial guarantees they are entitled to, including the right to seek the assistance of lawyers of their choosing to defend them, while the ministry pays the lawyer’s fees when the accused is not able to settle them.” Human rights activists, however, reported that the process for applying for a court-appointed lawyer was difficult and cumbersome. Many said they were not able or allowed to retain an attorney or consult with their attorneys during critical stages of the investigatory and trial proceedings.

The law provides defendants the right to be present at trial and to consult with an attorney during the trial. The counterterrorism law, however, authorizes the attorney general to limit the right of defendants accused of terrorism to access legal representation while under investigation “whenever the interests of the

investigation so require.” There is no right to discovery, nor can defendants view their own file or the minutes from their interrogation. Defendants also have the right to call and cross-examine witnesses under the law; however, activists reported that SCC judges could decide to restrict this right in “the interests of the case.” The law provides that a PPO-appointed investigator questions the witnesses called by the defendant during the investigation phase before the initiation of a trial and may hear testimony of additional witnesses he deems necessary to determine the facts. Authorities may not subject a defendant to any coercive measures or compel the taking of an oath. The court must inform convicted persons of their right to appeal rulings.

The law does not provide for a right against self-incrimination.

The law does not provide free interpretation services, although they were often provided in practice. The law of criminal procedure provides that “the court should seek the assistance of interpreters,” but it does not obligate the court to do so from the moment the defendant is charged, nor does the law specify that the state will bear the costs of such services.

While sharia as interpreted by the government applies to all citizens and noncitizens, the law and practice discriminate against women, noncitizens, nonpracticing Sunni, Shia, and persons of other religions. For example, in most cases a woman’s testimony before a court counts as only half that of a man’s. Judges may discount the testimony of nonpracticing Sunni Muslims, Shia Muslims, or persons of other religions; sources reported that judges sometimes completely disregarded or refused to hear testimony by Shia.

Among many reports of abuses or violations of due process rights was that of Mohammed al-Otaiby, a founding member of the Union for Human Rights (known in Arabic as “al-Ittihad”). In December 2016 authorities began prosecuting Otaiby at the SCC for statements he allegedly made on social media and for his alleged role in the establishment of an unlicensed human rights organization, according to media and NGO reporting. NGOs argued that he was unable to receive a fair trial at the SCC because he could not challenge the competence of the terrorism court to hear his case. In May he reportedly fled to Qatar to seek political asylum in a third country. Norway reportedly granted him political asylum, but Qatari authorities detained him at Doha airport and deported him to Saudi Arabia. Otaiby’s case was pending before the SCC at year’s end.

Political Prisoners and Detainees

The government maintained there were no political prisoners, including detainees who reportedly remained in prolonged detention without charge, while local activists and human rights organizations claimed there were “hundreds” or “thousands.”

In many cases it was impossible to determine the legal basis for incarceration and whether the detention complied with international norms and standards. Those who remained imprisoned after trial, including persons who were political activists openly critical of the government, were often convicted of terrorism-related crimes. During the year the SCC tried political and human rights activists for actions unrelated to terrorism, violence, or espionage against the state. UN Special Rapporteur on human rights and countering terrorism Ben Emmerson stated in May that he “received numerous reports about prosecution, on the basis of this [counterterrorism] law, of human rights defenders, writers, bloggers and journalists in connection with their expression of nonviolent views. Despite repeated requests and efforts from the special rapporteur, the [Saudi Arabian] government was unable to give access to any of the individuals whose names he provided to be interviewed.”

International NGOs, the United Nations, and others criticized the government for abusing its antiterrorism prerogatives to detain or arrest some dissidents or critics of the government or royal family on security-related grounds who had not espoused or committed violence. High-profile prisoners were generally treated well. Authorities restricted attorneys’ access to all detainees, and no international humanitarian organizations had access to them.

On July 31, the SCC’s appellate division upheld the eight-year prison sentence followed by an eight-year ban on using social media and a travel ban of equal duration imposed on Saudi Civil and Political Rights Association (ACPRA) founding member Abdulaziz al-Shobaily, according to multiple human rights organizations. In May 2016 the SCC initially sentenced him on charges related to his role in establishing a human rights organization. According to Amnesty International and HRW, the charges included “inciting public opinion against the rulers of this country,” persisting in “not abiding by judicial decision to abolish ACPRA,” “describing the ruling Saudi state--unjustly and wrongly--as a police state,” and “communicating with foreign organizations” by providing Amnesty International with information for use in two of its reports.

At the end of the year, nonviolent activist and blogger Raif Badawi remained imprisoned in Jeddah. Authorities sentenced Badawi in 2014 to 10 years in prison and 1,000 lashes on charges related to insulting Islam (see section 2.a.).

Civil Judicial Procedures and Remedies

Complainants claiming human rights violations generally sought assistance from the HRC or the NSHR, which either advocated on their behalf or provided courts with opinions on their cases. The HRC generally responded to complaints and could refer cases to the PPO; domestic violence cases were the most common. Individuals or organizations may petition directly for damages or government action to end human rights violations before the Board of Grievances, except in compensation cases related to state security wherein the SCC handles remediation. The counterterrorism law contains a provision allowing detainees in Mabahith-run prisons to request financial compensation from the Ministry of Interior/SSP for wrongful detention beyond their prison terms.

In some cases the government did not carry out judicially ordered compensation for unlawful detentions in a timely manner.

In August the Ministry of Justice issued a press release stating that “[...] the accused enjoy all judicial guarantees they are entitled to, including the right to seek the assistance of lawyers of their choosing to defend them, while the Ministry [of Justice] pays the lawyer’s fees when the accused is not able to settle them. Security detainees held in accordance with the 2017 Counterterrorism Law (CT Law) are entitled “to seek the assistance of a lawyer or legal agent,” but the Attorney General may restrict this right during the investigation “whenever the interests of the investigation so require.” The UN and international NGOs reported that security detainees were denied access to legal counsel during pretrial detention during the reporting period.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits unlawful intrusions into the privacy of persons, their homes, places of work, and vehicles. Criminal investigation officers are required to maintain records of all searches conducted; these records should contain the name of the officer conducting the search, the text of the search warrant (or an explanation of the urgency that necessitated the search without a warrant), and the names and signatures of the persons who were present at the time of search. While

the law also provides for the privacy of all mail, telegrams, telephone conversations, and other means of communication, the government did not respect the privacy of correspondence or communications and used the considerable latitude provided by law to monitor activities legally and intervene where it deemed necessary.

There were reports from human rights activists of governmental monitoring or blocking of mobile telephone or internet usage before planned demonstrations. The government strictly monitored politically related activities and took punitive actions, including arrest and detention, against persons engaged in certain political activities, such as calling for a constitutional monarchy, direct public criticism of senior members of the royal family by name, forming a political party, or organizing a demonstration. Customs officials reportedly routinely opened mail and shipments to search for contraband. In some areas Ministry of Interior/SSP informants allegedly reported “seditious ideas,” “antigovernment activity,” or “behavior contrary to Islam” in their neighborhoods.

The counterterrorism law allows the Ministry of Interior/SSP to access a terrorism suspect’s private communications as well as banking information in a manner inconsistent with the legal protections provided by the law of criminal procedure.

The CPVPV monitored and regulated public interaction between members of the opposite sex.

g. Abuses in Internal Conflict

In 2015 Saudi officials announced the formation of a coalition to counter the 2014 attempted overthrow of the Yemeni government by militias of the Ansar Allah movement (also known colloquially as “Houthis”) and forces loyal to former Yemeni president Ali Abdullah Saleh. Membership in the coalition included the United Arab Emirates, Bahrain, Egypt, Jordan, Kuwait, Morocco, Somalia, Sudan, and Senegal. The Saudi-led coalition conducted air and ground operations in Yemen throughout 2015, 2016, and during the year.

Killings: The United Nations, NGOs, media, and humanitarian and other international organizations reported what they characterized as disproportionate use of force by all parties to the conflict in Yemen, including the Saudi-led coalition. The UN High Commissioner for Human Rights stated that between March 2015 and December 14, an estimated 5,558 civilians had been killed and 9,065 injured as result of the war in Yemen, without noting responsibility.

Coalition airstrikes resulted in civilian casualties and damage to infrastructure on multiple occasions. An airstrike on a guesthouse in Arhab, Yemen, on August 23 killed at least 60 persons and another in Faj Attan, on August 25, killed at least 14, with dozens more wounded, according to international media reports.

The government established the JIAT in 2016 to identify lessons and corrective actions and to cue national accountability mechanisms, as appropriate. The Riyadh-based group consisted of military and civilian members from coalition member states who investigated allegations of civilian casualties as well as claims by international organizations that humanitarian aid convoys and infrastructure were targeted by the coalition.

On August 26, the JIAT released a statement concerning the August 25 incident in Faj Attan, stating, “implementation procedures and the presence of a technical mistake was the cause” of the incident. The JIAT had publicly announced the results of 15 investigations during the year.

Other Conflict-related Abuse: Yemeni rebels conducted cross-border attacks into Saudi Arabia, including launching more than 40,000 projectiles into Saudi territory since March 2015, destroying hospitals, schools, homes, and other infrastructure. On November 4 and December 19, Houthi militias launched ballistic missiles from Yemen that reached Riyadh. In response the Saudi-led coalition blocked all imports, including humanitarian aid, at all Yemeni air and sea ports and land border crossings. On November 25, the coalition began opening some ports and all land border crossings to allow limited access to aid supplies. On December 20, the coalition announced it would allow the entry of ships carrying humanitarian and commercial cargo, including food and fuel vessels, to the key rebel-held port of Hudaydah for a period of 30 days.

There were continuing reports of restrictions on the free passage of relief supplies and of humanitarian organizations’ access to individuals most in need, perpetrated by all sides in the conflict, including the Saudi-led coalition. Some media reported the Yemeni government and/or the Saudi-led coalition delayed or denied clearance permits for humanitarian and commercial aid shipments bound for rebel-held Red Sea ports, particularly Hudaydah port. Aid agencies, including some affiliated with the United Nations, continued to advocate with the Saudi-led coalition for Sana’a International Airport to be reopened to commercial flights for the purposes of allowing patients to seek medical treatment abroad.

For additional details, including additional information on the Saudi-led coalition's operations in Yemen, see the Department of State's *Country Reports on Human Rights* for Yemen.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law does not provide for freedom of expression, including for the press. The Basic Law specifies, "Mass media and all other vehicles of expression shall employ civil and polite language, contribute towards the education of the nation, and strengthen unity. The media are prohibited from committing acts that lead to disorder and division, affect the security of the state or its public relations, or undermine human dignity and rights." Authorities are responsible for regulating and determining which speech or expression undermines internal security. The government can ban or suspend media outlets if it concludes they violated the press and publications law, and it monitored and blocked hundreds of thousands of internet sites. There were frequent reports of restrictions on free speech.

The legal definition of terrorism, according to the 2017 counterterrorism law, includes "any conduct...intended to disturb public order ...or destabilize the state or endanger its national unity." The law also penalizes "anyone who challenges, either directly or indirectly, the religion or justice of the King or Crown Prince...or anyone who establishes or uses a website or computer program...to commit any of the offenses set out in the law." Local human rights activists, international human rights organizations, and the UN Special Rapporteur on human rights and counterterrorism criticized the counterterrorism law for its overly broad and vague definitions of terrorism and complained the government used it to prosecute peaceful expression and dissent.

Freedom of Expression: The government monitored public expressions of opinion and took advantage of legal controls to impede the free expression of opinion and restrict individuals from engaging in public criticism of the political sphere. The law forbids apostasy and blasphemy, which can carry the death penalty, although there were no recent instances of death sentences being carried out for these crimes (see section 1.a.). Statements that authorities construed as constituting defamation of the king, the monarchy, the governing system, or the Al Saud family resulted in criminal charges for citizens advocating government reform. The government prohibits public employees from directly or indirectly engaging in dialogue with

local or foreign media or participating in any meetings intended to oppose state policies.

Some human rights activists were detained and then released on the condition that they refrain from using social media for activism, from communicating with foreign diplomats and international human rights organizations, and from traveling outside the country, according to human rights organizations.

The government charged a number of individuals with crimes related to their exercise of free speech during the year.

In January authorities detained computer engineer Essam Koshak on charges of “inciting public opinion” for statements he reportedly made on Twitter. Koshak was being tried in the Specialized Criminal Court under the country’s 2017 counterterrorism law (applied retroactively) and the 2008 cybercrimes law. Trial proceedings were ongoing at year’s end.

Press and Media Freedom: The Press and Publications Law governs printed materials; printing presses; bookstores; the import, rental, and sale of films; television and radio; foreign media offices and their correspondents; and online newspapers and journals. Media fall under the jurisdiction of the Ministry of Culture and Information. The ministry may permanently close “whenever necessary” any means of communication--defined as any means of expressing a viewpoint that is meant for circulation--that it deems is engaged in a prohibited activity, as set forth in the decree.

Media policy statements urged journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. In 2011 a royal decree amended the press law to strengthen penalties, create a special commission to judge violations, and require all online newspapers and bloggers to obtain a license from the ministry. The decree bans publishing anything “contradicting sharia, inciting disruption, serving foreign interests that contradict national interests, and damaging the reputation of the grand mufti, members of the Council of Senior Religious Scholars, or senior government officials.”

The law states that violators can face fines up to 50,000 riyals (\$13,333) for each violation of the law, which doubles if the violation is repeated. Other penalties include banning individuals from writing. While the Violations Considerations Committee in the Ministry of Culture and Information has formal responsibility for implementing the law, the Ministry of Interior, the CPVPV, and sharia court judges

considered these issues regularly and exercised wide discretion in interpreting the law. It was unclear which process accords with the law.

Although satellite dishes were illegal, the government did not enforce restrictions on them, and their use was widespread. Many foreign satellite stations broadcast a wide range of programs into the country in Arabic and other languages, including foreign news channels. Access to foreign sources of information, including via satellite dishes and the internet, was common. Foreign media were subject to licensing requirements from the Ministry of Culture and Information and could not operate freely. Privately owned satellite television networks, headquartered outside the country, maintained local offices and operated under a system of self-censorship.

Violence and Harassment: Authorities subjected journalists, writers, and bloggers to arrest, imprisonment, and harassment during the year.

In September well-known Saudi journalist Jamal Khashoggi said he moved to the United States in “self-exile” and “could face arrest upon returning home” due to his writing. He claimed his column in Saudi newspaper *al-Hayat* had been cancelled under political pressure. In 2016 authorities purportedly banned him from writing, appearing on television, and attending conferences as the result of remarks he made that were interpreted as criticizing the president of the United States, according to multiple media sources. Earlier, in July, authorities reportedly lifted the writing ban against him.

Censorship or Content Restrictions: The government reportedly penalized those who published items counter to government guidelines and directly or indirectly censored the media by licensing domestic media and by controlling importation of foreign printed material.

All newspapers, blogs, and websites in the country must be government-licensed. The Ministry of Culture and Information must approve the appointment of all senior editors and has authority to remove them. The government provided guidelines to newspapers regarding controversial issues. The Saudi Press Agency reported official government news. The government owned most print and broadcast media and book publication facilities in the country, and members of the royal family owned or influenced privately owned and nominally independent operations, including various media outlets and widely circulated pan-Arab newspapers published outside the country. Authorities prevented or delayed the

distribution of foreign print media covering issues considered sensitive, effectively censoring these publications.

The government censored published material it considered blasphemous, extremist, racist, or offensive, or as inciting chaos, violence, sectarianism, or harm to the public order. On June 26 the PPO stated that producing and promoting “rumors that affect the public order” is a crime under the anticybercrimes law and punishable by up to five years in prison and a fine of 3 million riyals (\$800,000).

In some cases, however, individuals criticized specific government bodies or actions publicly without repercussions. The Consultative Council (Majlis as-Shura), an advisory body, frequently allowed print and broadcast media to observe its proceedings and meetings, but the council closed some high-profile or controversial sessions to the media.

Libel/Slander Laws: There were numerous reports during the year of the government using libel laws to suppress publication of material that criticized policies or public officials.

The anticybercrimes law provides for a maximum penalty of one-year’s imprisonment for “defamation and infliction of damage upon others through the use of various information technology devices.” In 2014 the law was amended to include social media and social networks.

In April the SCC sentenced an unnamed poet to two months in prison for writing and publishing a poem “insulting security personnel” on Twitter and YouTube, as well as producing, storing, and disseminating material that “aims to undermine public order.” The SCC also ordered his accounts on social media sites closed, according to local media reports.

National Security: Authorities used the anticybercrimes law and the counterterrorism law to restrict freedom of expression, including by prosecuting numerous individuals under these laws on charges related to statements made on social media.

Internet Freedom

The Ministry of Culture and Information or its agencies must authorize all websites registered and hosted in the country. The General Commission for Audiovisual Media has responsibility for regulating all audio and video content in the country,

including satellite channels, film, music, internet, and mobile applications, independent from the Ministry of Commerce and Industry. Internet access was widely available, and nearly 75 percent of the population used the internet during the year, while 79 percent had mobile broadband subscriptions, according to first-quarter 2017 data from the Ministry of Communications and Information Technology.

The press and publications law implicitly covers electronic media, since it extends to any means of expression of a viewpoint meant for circulation, ranging from words to cartoons, photographs, and sounds. In 2011 the government issued implementing regulations for electronic publishing that set rules for internet-based and other electronic media, including chat rooms, personal blogs, and text messages. Laws, including the anticybercrimes law, criminalize defamation on the internet, hacking, unauthorized access to government websites, and stealing information related to national security, as well as the creation or dissemination of a website for a terrorist organization. Security authorities actively monitored internet activity, both to enforce laws, regulations, and societal norms and to monitor recruitment efforts by extremist organizations such as ISIS. Activists complained of monitoring or attempted monitoring of their communications on web-based communications applications.

Access to the internet is legally available only through government-authorized internet service providers. The government required internet service providers to monitor customers and required internet cafes to install hidden cameras and provide identity records of customers. Although authorities blocked websites offering proxies, persistent internet users accessed the unfiltered internet via other means.

On a number of occasions, government officials and senior clerics publicly warned against inaccurate reports on the internet and reminded the public that criticism of the government and its officials should be done through available private channels. The government charged those using the internet to express dissent against officials or religious authorities with terrorism, blasphemy, and apostasy.

The press and publications law criminalizes the publication or downloading of offensive sites, and authorities routinely blocked sites containing material perceived as harmful, illegal, offensive, or anti-Islamic. The governmental Communications and Information Technology Commission (CITC) filtered and blocked access to websites it deemed offensive, including adult content, as well as

pages calling for domestic political, social, or economic reforms or supporting human rights, including websites of expatriate Saudi dissidents.

The CITC coordinated decisions with the Saudi Arabian Monetary Agency on blocking phishing sites seeking to obtain confidential personal or financial information. Authorities submitted all other requests to block sites to an interagency committee, chaired by the Ministry of Interior, for decision. Under the Telecommunication Act, failure by service providers to block banned sites can result in a fine of five million riyals (\$1.33 million).

The CITC claimed that Facebook removed materials that the CITC deemed offensive but that Twitter ignored all CITC requests. In September 2016 the CITC announced that it had not blocked any free voice, video, or messaging services after criticisms on social media that these services had been blocked. During the year authorities announced they unblocked calling features for private messenger apps like Facebook Messenger and Whatsapp. In July 2016 users of FaceTime and other video-calling apps reported such services were blocked.

On May 25, the government blocked Qatari websites such as *al-Jazeera* due to a dispute between Qatar and a group of countries that included Saudi Arabia. *Al-Jazeera* remained blocked at year's end.

On June 20, Ministry of Culture and Information spokesperson Hani al-Ghofaily stated that writing for blocked websites, providing them with materials to publish, or promoting alternative addresses to access them is a crime under the anticybercrimes law.

The government reportedly collected information concerning the identity of persons peacefully expressing political, religious, or ideological opinions or beliefs online.

Academic Freedom and Cultural Events

The government restricted some public artistic expression. Academics reportedly practiced self-censorship, and authorities prohibited professors and administrators at public universities from hosting meetings at their universities with foreign academics or diplomats without prior government permission. In 2016 King Salman issued royal decrees creating the General Authority for Entertainment (GEA) and the General Authority for Culture, with a mandate to expand the kingdom's entertainment and cultural offerings in line with its social and economic

reform plan known as Vision 2030. During the year, the GEA sponsored events dedicated to film, comics, music, and dance. On December 11, the Saudi Ministry of Culture and Information announced that commercial cinemas would be allowed to operate in the kingdom as of early 2018.

b. Freedoms of Peaceful Assembly and Association

The law does not provide for freedom of assembly and association, which the government severely limited.

Freedom of Peaceful Assembly

The law requires a government permit for an organized public assembly of any type. The government categorically forbids participation in political protests or unauthorized public assemblies, and security forces reportedly arrested demonstrators and detained them for brief periods. Security forces at times have allowed a small number of unauthorized demonstrations throughout the country.

CPVPV and other security officers also restricted mixed gender gatherings of unrelated men and women in public and private spaces (see section 1.f.).

Freedom of Association

The law does not provide for freedom of association, and the government strictly limited this right. The government prohibited the establishment of political parties or any group it considered as opposing or challenging the regime. All associations must be licensed by the Ministry of Labor and Social Development and comply with its regulations. Some groups that advocated changing elements of the social or political order reported their licensing requests went unanswered for years, despite repeated inquiries. The ministry reportedly used arbitrary means, such as requiring unreasonable types and quantities of information, to delay and effectively deny licenses to associations. In March 2016 a new law came into effect known as the Law on Associations and Foundations (Civil Society Organizations Law), which for the first time provided a comprehensive legal framework to govern the establishment, operation, and supervision of associations and foundations. By November 2016 the ministry licensed 153 associations and 11 foundations, mostly charitable, under the new law, according to the International Center for Not-for-Profit Law. The government previously provided licenses only to philanthropic and charitable societies; organizations that have social or research mandates required royal backing to avoid government interference or prosecution.

In 2013 and 2014, the few local NGOs that had operated without a license ceased operating after authorities ordered them disbanded. While ACPRA maintained a presence on social media networks such as Twitter, the government severely curtailed its operations and closed down its website. On August 21, the SCC began new trial proceedings against ACPRA member Issa al-Nukheifi on charges related to “inciting public opinion,” according to local activists. Nukheifi was released from prison in April 2016 after serving a previous three-year sentence from a 2013 SCC ruling, along with a four-year travel ban for violating Article 6 of the anticybercrimes law. Trial proceedings against him continued at year’s end.

Government-chartered associations limited membership only to citizens.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law does not contain provisions for freedom of internal movement, foreign travel, emigration, and repatriation.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: The government generally did not restrict the free movement of male citizens within the country, but it severely restricted the movement of female citizens. While the guardianship system does not require a woman to have the permission of her male guardian (normally a father, husband, son, brother, grandfather, uncle, or other male relative) to move freely within the country, courts sometimes ruled that women should abide by a male guardian’s request to stay at home by “occasionally upholding a guardian’s right to obedience from his female dependents,” according to an HRW report.

Women’s rights activist Mariyam al-Otaiby was reportedly detained in April after she left the family house without her male guardian’s permission, and was held 104 days without trial until her release on July 30. Some human rights

organizations characterized her release as constituting a legal precedent in the kingdom for freedom of movement without the presence of a male guardian.

On April 18, King Salman issued a royal decree ordering all government agencies to review their guardianship laws and to provide their understanding of the legal basis for withholding services to women. The stated goal was to avoid denying government services to women who do not present a male guardian's consent except when law or regulations explicitly require it. At year's end, the government's review of its guardianship laws had not been completed.

Authorities respected the right of citizens to change residence or workplace, provided they held a national identification card (NIC). The law requires all male citizens who are 15 or older to possess a NIC. In 2012 the Ministry of Interior announced it would start issuing NICs to all female citizens at the age of 15, phasing in the requirement over a seven-year period. In September 2016 local media reported more than three million girls and women over the age of 15 still did not possess a NIC. The population during the year of girls and women who were 15 or older was approximately seven million, according to the General Authority for Statistics.

The government prohibited women from driving motor vehicles by refusing to issue licenses to them. In September, King Salman issued a decree ending this longstanding policy that will allow women to drive beginning in June 2018.

Foreign Travel: There are severe restrictions on foreign travel, including for women and members of minority groups. No one may leave the country without an exit visa and a passport. Females of any age, males younger than 21, and other dependents or foreign citizen workers under sponsorship require a male guardian's consent to travel abroad. According to Ministry of Interior regulations, a male guardian must apply for and collect a passport for women and minors. A noncitizen wife needs permission from her husband to travel unless both partners sign a prenuptial agreement permitting the noncitizen wife to travel without the husband's permission. If a wife's guardian is deceased, a court may grant the permission. Government entities can ban the travel of citizens and noncitizens without trial, and male family members can "blacklist" women and minor children, prohibiting their travel.

In April, Dina Ali Lasloom was reportedly returned to Saudi Arabia against her will from the Philippines while in transit to Australia to claim political asylum in order to escape a forced marriage. On April 12, the Saudi Embassy in the

Philippines issued a statement describing Lasloom's return as a "family matter." At year's end, her whereabouts were unknown, according to HRW.

Employers or sponsors controlled the departure of foreign workers and residents from the country; employers or sponsors were responsible for processing residence permits and exit visas on their behalf. Sponsors frequently held their employees' passports against the desires of the employees, despite a law specifically prohibiting this practice. Foreign workers typically provided sponsors with their residence permit before traveling in exchange for their passport to ensure the worker's return to their employer after their travel.

The government continued to impose international travel bans for individuals deemed at risk of flight during ongoing legal proceedings and investigations, as well as for criminal sentences. The government reportedly confiscated passports on occasion for political reasons and revoked the rights of some citizens to travel, often without providing them notification or opportunity to contest the restriction. Most travel bans reportedly involved individuals in court cases relating to corruption, state security concerns, labor, financial, and real estate disputes.

Protection of Refugees

Access to Asylum: The law provides that the "state will grant political asylum if public interest so dictates." There are no regulations implementing this provision. The government permitted UNHCR-recognized refugees to stay in the country temporarily pending identification of a durable outcome, including third-country resettlement or voluntary repatriation. The government generally did not grant asylum or accept refugees for resettlement from third countries. Government policy is to refuse refugee status to persons in the country illegally, including those who have overstayed a pilgrimage visa. The government strongly encouraged persons without residency to leave, and it threatened or imposed deportation. Access to naturalization was difficult for refugees.

The government granted six-month visas to Syrian and Yemeni nationals, and a royal decree allowed pro forma extensions of these visas. There was a nondeportation policy for Syrians and Yemenis. The King Salman Center for Humanitarian Aid and Relief reported in September that there were more than 291,000 Syrian and 603,000 Yemeni nationals, considered visitors and not officially recognized refugees, living in Saudi Arabia.

The government did not recognize the right of Saudi citizens to petition for access to asylum or refugee status in third countries. In several cases the government prosecuted and penalized Saudi citizens who sought asylum in third countries, according to multiple sources (see section 1.e., Trial Procedures).

Employment: Refugees and asylum seekers were generally unable to work legally, although Syrian and Yemeni nationals who possessed a temporary visa could obtain a visitor card (“za’ir”) from the Ministry of Interior, which reportedly allows these nationals to work. The renewable permits were valid for up to six months and tied to the validity period of their temporary visas; men between the ages of 18 and 60 were eligible to apply.

Access to Basic Services: The government reserves access to education, health care, public housing, courts and judicial procedures, legal services, and other social services to citizens only. A royal decree issued in 2012 permits all Syrians in Saudi Arabia free access to the educational system, and a separate decree issued in 2015 gives Yemenis in Saudi Arabia free access to schools. In 2015-16 the government enrolled and funded 141,406 Syrian students and 285,644 Yemeni students in local schools and provided college scholarships to 7,950 Syrians and 3,880 Yemenis. The UNHCR office in Riyadh provided a subsistence allowance covering basic services to a limited number of vulnerable families, based on a needs assessment. Authorities worked with UNHCR to provide medical treatment also following a needs assessment. Since 2015 the government provided free health care to 47,000 Yemenis and paid for treatment of more than 3,426 injured Yemenis located in Saudi Arabia, Jordan, and Sudan.

Stateless Persons

The country had a significant number of habitual residents who were legally stateless, but data on the stateless population were incomplete and scarce.

Citizenship is legally derived only from the father. Children born to an unmarried citizen mother who is not legally affiliated with the citizen father may be considered stateless, even if the father recognized the child as his, or if the government did not authorize the marriage of a citizen father and a noncitizen mother prior to birth of the children. The nationality laws do not allow Saudi women married to foreign nationals to pass their nationality to their children, except in certain circumstances such as fathers who are unknown, stateless, of unknown nationality, or do not establish filiation. Sons of citizen mothers and noncitizen fathers may apply for citizenship once they turn 18 (if not already

granted citizenship at birth under certain circumstances). Daughters can obtain citizenship only through marriage to a Saudi man. A child may lose legal identification and accompanying rights if authorities withdraw identification documents from a parent (possible when a naturalized parent denaturalizes voluntarily or loses citizenship through other acts). Since there is no codified personal status law, judges make decisions regarding family matters based on their own interpretations of Islamic law.

Foreign male spouses of female citizens are entitled to permanent residency in the country without needing a sponsor, and they receive free government education and medical benefits. These spouses are also included in the quota of Saudis employed in private companies under the “nitaqaat,” or labor quota system, which improves their employment prospects. Female citizens must also be between the ages of 30 and 55 in order to marry a non-Saudi man. Non-Saudi wives of Saudi men receive more rights if they have children resulting from their marriage with a Saudi man. Male citizens must be between the ages of 40 and 65 in order to marry a non-Saudi woman. The extent to which those strictures were enforced was unclear, and there was anecdotal evidence that they were not uniformly enforced. Children of Saudi women who are married to foreign spouses receive permanent residency, but their residency status is revocable in the event of the death of the Saudi mother.

UNHCR unofficially estimated there were 70,000 stateless persons in the country, almost all of whom were native-born residents known locally as “Bidoon” (an Arabic word that means “without” [citizenship]). Bidoon are persons whose ancestors failed to obtain nationality, such as descendants of nomadic tribes not counted among the native tribes during the reign of the country’s founder, King Abdulaziz; descendants of foreign-born fathers who arrived before there were laws regulating citizenship; and rural migrants whose parents failed to register their births. As noncitizens, Bidoon are unable to obtain passports. The government sometimes denied them employment and educational opportunities, and their marginalized status made them among the poorest residents of the country. In recent years the Ministry of Education encouraged them to attend school. The government issues Bidoon five-year residency permits to facilitate their social integration in government-provided health-care and other services, putting them on similar footing with sponsored foreign workers. The General Directorate of Passports issued special identity cards to Bidoon similar to residency permits issued to foreigners in the country, but with features entitling their holders to additional government services similar to those available to citizens.

There were also some Baloch, West Africans, and Rohingya Muslims from Burma, but only a portion of these communities was stateless. Many Rohingya had expired passports that their home government refused to renew. UNHCR estimated there were between 250,000 and 500,000 Rohingya in the country. During the year some of these individuals benefited from a program to correct their residency status; the government issued approximately 200,000 four-year residency permits by year's end. Only an estimated 2,000 individuals of Rohingya origin had Saudi citizenship. There also were between 300,000 and 400,000 Palestinian residents not registered as refugees.

Section 3. Freedom to Participate in the Political Process

The law does not provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage; it establishes an absolute monarchy led by the Al Saud family as the political system. The Allegiance Council, composed of up to 34 senior princes appointed by the king, is formally responsible for selecting a king and crown prince upon the death or incapacitation of either. Only select members of the ruling family have a voice in the choice of leaders, the composition of the government, or changes to the political system.

The law provides citizens the right to communicate with public authorities on any matter and establishes the government on the principle of consultation (“shura”). The king and senior officials, including ministers and regional governors, are required to be available through “majlis,” open-door meetings where in theory any male citizen or noncitizen may express an opinion or a grievance without an appointment.

Most government ministries and agencies had women's sections to interact with female citizens and noncitizens, and at least two regional governorates hired female employees to receive women's petitions and arrange meetings for women with complaints for, or requests of, the governor.

Elections and Political Participation

Recent Elections: In 2015 elections were held for two-thirds of the 3,159 seats on 284 municipal councils; the government appointed the remaining third. Women were allowed to vote and run as candidates for the first time. The voting age was also lowered universally to 18 years. The Ministry of Municipal and Rural Affairs actively encouraged women's participation in the municipal elections. Election

regulations prohibited candidates from contesting under party affiliation. Twenty-one women won seats and 17 were appointed to seats, totaling approximately 1 percent of all available seats.

The NSHR observed the elections, and select international journalists were also permitted to observe. Independent polling station observers identified no irregularities with the election. Prior to the election, several candidates reported they were disqualified for “violating the rules and regulations,” without further explanation. They had the right to appeal, and some were reinstated. Uniformed members of the security forces, including the military and police, were ineligible to vote.

Political Parties and Political Participation: There were no political parties or similar associations. The law does not protect the right of individuals to organize politically. At year’s end implementing regulations for the 2017 counterterrorism law had not been published; however, implementation regulations for the 2014 counterterrorism law, issued by the Ministry of Interior in March 2014, explicitly and specifically banned a number of organizations with political wings, including the Muslim Brotherhood, as regional and local terrorist groups. The government continued to regard human rights organizations, such as ACPRA, as illegal political movements and treated them accordingly.

Participation of Women and Minorities: Gender discrimination excluded women from many aspects of public life. Women slowly but increasingly participated in political life, albeit at a disadvantage, in part due to guardianship laws requiring a male guardian’s permission for legal decisions, restrictions on women candidates’ contact with male voters in the 2015 elections, and the ban on women driving, which the government announced would be lifted in 2018. In the 2015 municipal elections, women made up less than 10 percent of the final list of registered voters, according to HRW.

In 2013 former king Abdullah issued a royal decree changing the governance of the Consultative Council, the 150-person royally appointed body that advises the king and may propose but not pass laws. The changes mandate that women constitute no less than 20 percent of the membership of the Consultative Council. In accordance with the law, in 2013 the council inducted 30 women as full members.

Women were routinely excluded from formal decision-making positions in both government and the private sector, although some women attained leadership

positions in business and served in senior advisory positions within government ministries. Women's ability to practice law was severely limited; there were no women on the High Court or Supreme Judicial Council and no female judges or public prosecutors.

During the year the most senior position held by a woman in government was vice president for women's affairs of the General Sports Authority.

The country had an increasing number of female diplomats. Bureaucratic procedures largely restricted women working in the security services to employment in women's prisons, at women's universities, and in clerical positions in police stations, where they were responsible for visually identifying other women for law enforcement purposes.

No laws prevent citizen males from minority groups from participating in political life on the same basis as other male citizens. Societal discrimination, however, marginalized the Shia population, and tribal factors and longstanding traditions continued to dictate many individual appointments to positions. Unofficially, government authorities will not appoint a Bedouin tribesman to a high-ranking cabinet-level position, and Bedouins can only reach the rank of major general in the armed forces. All cabinet members from tribal communities were members of urbanized "Hamael" tribes rather than Bedouin tribes. While the religious affiliation of Consultative Council members was not known publicly, the council included an estimated seven or eight Shia members. In contrast with previous years, the cabinet contained one religious minority member. Multiple municipal councils in the Eastern Province, where most Shia were concentrated, had large proportions of Shia as members to reflect the local population, including a majority in Qatif and 50 percent in al-Hasa. Eastern Province Shia judges dealing with intra-Shia personal status and family laws operated specialized courts.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. Some officials engaged in corrupt practices with impunity, and perceptions of corruption persisted in some sectors. Government employees who accept bribes face 10 years in prison or fines up to one million riyals (\$267,000).

The National Anticorruption Commission ("Nazaha"), established by former king Abdullah in 2011, is responsible for promoting transparency and combating all forms of financial and administrative corruption. The relationship between Nazaha

and the newly established Supreme Anti-Corruption Committee was unclear. Nazaha's ministerial-level director reported directly to the king. In 2015 the Shura Council censured Nazaha for its failure to refer for investigation a sufficient number of corruption cases. The council also stated that the public did not believe Nazaha could handle its responsibility to investigate and punish corruption. The Control and Investigation Board remains responsible for investigating financial malfeasance, and the PPO has the lead on all criminal investigations. The HRC also responded to and researched complaints of corruption.

Provincial governors and other members of the royal family paid compensation to victims of corruption during weekly majlis meetings where citizens raised complaints.

Corruption: Nazaha continued operations and referred cases of possible public corruption to the PPO. It referred the Minister of Civil Service Khaled al-Araj for investigation over allegations of abuse of power and nepotism. In November 2016 Nazaha announced it found irregularities in the appointment of al-Araj's son to the Ministry of Municipal and Rural Affairs.

Financial Disclosure: Public officials were not subject to financial disclosure laws.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The law provides that "the State shall protect human rights in accordance with Islamic sharia." The government restricted the activities of domestic and international human rights organizations. The government did not allow international human rights NGOs to be based in the country but allowed representatives to visit on a limited basis. International human rights and humanitarian NGOs reported that the government was at times unresponsive to requests for information and did not establish a clear mechanism for communication with NGOs on both domestic human rights issues and on issues relating to the conflict in Yemen. There were no transparent standards governing visits by international NGO representatives. The HRC stated that the government welcomed visits by legitimate, unbiased human rights groups but added the government could not act on the "hundreds of requests" it received, in part because it was cumbersome to decide which domestic agencies would be their interlocutor.

The government often cooperated with and sometimes accepted the recommendations of the NSHR, the sole government-licensed domestic human

rights organization. The NSHR accepted requests for assistance and complaints about government actions affecting human rights.

The government viewed unlicensed local human rights groups with suspicion, frequently blocking their websites and charging their founders with founding and operating unlicensed organizations. ACPRA applied for a license in 2008, which authorities did not grant. The government initially allowed its unlicensed operation, but it remained unclear which activities the group could undertake without risking punishment. The group was unable to raise operating funds legally, which limited its activities. In 2013 a court ordered the dissolution of ACPRA and confiscation of its assets (see section 2.b., Freedom of Association). Eleven founders of ACPRA were initially detained and eight remained in custody for their activities related to the organization.

Government Human Rights Bodies: The HRC is part of the government and requires the permission of the Ministry of Foreign Affairs before meeting with diplomats, academics, or researchers with international human rights organizations. The HRC president has ministerial status and reports to the king. The well resourced HRC was effective in highlighting problems and registering and responding to the complaints it received, but its capacity to effect change was more limited. The HRC worked directly with the Royal Diwan and the cabinet, with a committee composed of representatives of the Consultative Council and the Ministries of Labor and Social Development and Interior, and with Consultative Council committees for the judiciary, Islamic affairs, and human rights.

During the year the HRC and NSHR were more outspoken in areas deemed less politically sensitive, including child abuse, child marriage, prison conditions, and cases of individuals detained beyond their prescribed prison sentences. They avoided topics, such as protests or cases of political activists or reformers, that would require directly confronting government authorities. The HRC board's 18 full-time members included four women and at least three Shia; they received and responded to complaints submitted by their constituencies, including problems related to persons with disabilities, religious freedom, and women's rights. The Consultative Council's Human Rights Committee also actively followed cases and included women and Shia among its members; a woman served as chairperson of the committee.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is a criminal offense under sharia with a wide range of penalties from flogging to execution. The law does not recognize spousal rape as a crime. The government enforced the law based on its interpretation of sharia, and courts often punished victims as well as perpetrators for illegal “mixing of genders,” even when there was no conviction for rape. Victims also had to prove that the rape was committed, and women’s testimony in court is, in most cases, worth half the weight of that of a man. Due to these legal and social penalties, authorities brought few cases to trial. The government did not maintain public records on prosecutions, convictions, or punishments.

Statistics on incidents of rape were not available, but press reports and observers indicated rape was a serious problem. Moreover, most rape cases were likely unreported because victims faced societal and familial reprisal, including diminished marriage opportunities, criminal sanction up to imprisonment, or accusations of adultery or sexual relations outside of marriage, which are punishable under sharia.

The 2013 law against domestic violence provides a framework for the government to prevent and protect victims of violence in the home. The law defines domestic abuse broadly and criminalizes domestic abuse with penalties of one month to one year of imprisonment or a fine of 5,000 to 50,000 riyals (\$1,333 to \$13,333) unless a court provides a harsher sentence.

Researchers stated that it was difficult to gauge the magnitude of the problem, which they believed to be widespread. The National Family Safety Program (NFSP), a quasi-governmental organization under the Ministry of National Guard, was founded in 2005 to spread awareness of and combat domestic violence, including child abuse, and continued to report abuse cases.

Officials stated that the government did not clearly define domestic violence and procedures concerning cases, including thresholds for investigation or prosecution, and thus enforcement varied from one government body to another. Some women’s rights advocates were critical of investigations of domestic violence, claiming investigators were hesitant to enter a home without permission from the head of household, who may also be the male perpetrator. Some activists also claimed that authorities often did not investigate or prosecute cases involving domestic violence, instead encouraging victims and perpetrators to reconcile in order to keep families intact regardless of reported abuse. Violence included a

broad spectrum of abuse. There were reports of police or judges returning women directly to their abusers, most of whom were the women's legal guardians.

In August a Saudi man was sentenced to 19 months in jail and flogging for chaining his wife, pouring gasoline on her, and setting her ablaze. The woman was permanently scarred and required ongoing treatment for her injuries.

The government made efforts to combat domestic violence. During the year the King Abdulaziz Center for National Dialogue held workshops and distributed educational materials on peaceful conflict resolution between spouses and within families. Responsibility for administering the government-supported family-protection shelters was transferred to the Ministry of Labor and Social Development during the year. The HRC received complaints of domestic abuse and referred them to other government offices. The HRC advised complainants and offered legal assistance to some female litigants. The organization provided services for children of female complainants and litigants and distributed publications supporting women's rights in education, health care, development, and the workplace.

Saudi women reported that domestic abuse in the form of incest is common but seldom reported to authorities due to fears over societal repercussions, according to local contacts.

Female Genital Mutilation/Cutting (FGM/C): FGM/C was not a common practice in the country, particularly among the Saudi population, as the official government interpretation of sharia prohibits the practice.

Sexual Harassment: The extent of sexual harassment was difficult to measure, with little media reporting and no government data. The government's interpretation of sharia guides courts on cases of sexual harassment. In October the king ordered the government to review antiharassment legislation that would criminalize sexual harassment. Employers in many sectors maintained separate male and female workspaces where feasible, in accordance with law.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women continued to face significant discrimination under law and custom, and many remained uninformed about their rights. To increase awareness, in July 2016 a female lawyer launched an Arabic mobile phone application, “Know Your Rights.” The application contained resources for legal aid as well as answers to frequently asked questions on issues such as divorce, child custody, guardianship, disability, and domestic violence.

The law does not provide for the same legal status and rights for women as for men, and since there is no codified personal status law, judges made decisions regarding family matters based on their interpretations of Islamic law. Although they may legally own property and are entitled to financial support from their guardian, women have fewer political or social rights than men, and society treated them as unequal members in the political and social spheres. The guardianship system requires that every woman have a close male relative as her “guardian” with the legal authority to approve her travel outside of the country. A guardian also has authority to approve some types of business licenses and study at a university or college. Women can make their own determinations concerning hospital care. Women can work without their guardian’s permission, but most employers required women to have such permission, even though the law prohibits the practice (see section 7.d. for more information about discrimination against women in the workplace.) A husband who verbally (rather than through a court process) divorces his wife or refuses to sign final divorce papers continues to be her legal guardian.

On September 26, the king issued a royal decree lifting the ban on women driving, to be implemented in June 2018. On September 28, the king issued another royal decree ordering the Ministry of Interior to draft an antisexual harassment law within 60 days in a preemptive move aimed at safeguarding women drivers against retaliatory sexual assaults.

The overall percentage of female labor force participation was about 22 percent in the third quarter of 2016, according to government statistics.

Nationality law discriminates against women, who cannot directly transmit citizenship to their children, particularly if the children’s father is a noncitizen (see section 2.d. and section 6, Children). The country’s interpretation of sharia prohibits women from marrying non-Muslims, but men may marry Christians and Jews. Women require government permission to marry noncitizens; men must obtain government permission if they intend to marry citizens from countries other than Gulf Cooperation Council member states (Saudi Arabia, Bahrain, Kuwait,

Oman, Qatar, and the United Arab Emirates). Regulations prohibit men from marrying women from Pakistan, Bangladesh, Chad, and Burma. The government additionally required Saudi men wishing to marry a second wife who is a foreigner to submit documentation attesting to the fact that his first wife is disabled, has a chronic disease, or is sterile.

Widespread societal exclusion enforced by, but not limited to, state institutions restricted women from using many public facilities. The law requires women to sit generally in separate, specially designated family sections. They frequently cannot consume food in restaurants that do not have such sections. Women risk arrest for riding in a private vehicle driven by a male who is not an employee (such as a hired chauffeur or taxi driver) or a close male relative. Cultural norms enforced by state institutions require women to wear an “abaya” (a loose-fitting, full-length cloak) in public. The CPVPV also generally expected Muslim women to cover their hair and non-Muslim women from Asian and African countries to comply more fully with local customs of dress than non-Muslim Western women.

Women also faced discrimination in courts, where in most cases the testimony of one man equals that of two women. All judges are male, and women faced restrictions on their practice of law. In divorce proceedings, women must demonstrate legally specified grounds for divorce, but men can divorce without giving cause. In doing so, men must pay immediately an amount of money agreed at the time of the marriage that serves as a one-time alimony payment. Men can be forced, however, to make subsequent alimony payments by court order. The government began implementing an identification system based on fingerprints that was designed to provide women more reliable access to courts.

Women faced discrimination under family law. For example, a woman needs a guardian’s permission to marry or must seek a court order in the case of “adhl” (male guardians refusing to approve the marriage of women under their charge). In such adhl cases, the judge assumes the role of the guardian and can approve the marriage.

Courts award custody of children when they attain a specified age (seven years for boys and nine years for girls) to the divorced husband or the deceased husband’s family. In numerous cases, former husbands prevented divorced noncitizen women from visiting their children. Inheritance laws also discriminate against women, since daughters receive half the inheritance awarded to their brothers.

According to recent surveys, women constituted more than half of university students. Segregated education through university level was the norm. The only exceptions to segregation in higher education were medical schools at the undergraduate level and the King Abdullah University of Science and Technology, a graduate-level research university, where women worked jointly with men, were not required to wear an abaya, and drove cars on campus. Other universities, such as al-Faisal University in Riyadh, offered partially segregated classes with students receiving instruction from the same teacher and able to participate together in class discussion, but with the women and men physically separated by dividers.

Children

Birth Registration: Citizenship derives from the father, and only the father can register a birth. There were cases of authorities denying public services to children of citizen parents, including education and health care, because the government failed to register the birth entirely or had not registered it immediately, sometimes because the father failed to report the birth or did not receive authorization to marry a foreigner. Children of Saudi women who were married to foreign spouses receive permanent residency, but their residency status is revocable in the event of the death of the Saudi mother (see section 2.d., Stateless Persons).

Child Abuse: Abuse of children occurred. In March 2016 local media reported a National Family Safety Program study that found 60 percent of domestic abuse complaints involved children who suffered some form of physical abuse, with 5 to 10 percent of children exposed to physical violence and 80 percent of teenagers exposed to various forms of physical and psychological abuse. During the year the NFSP started a Child Helpline dedicated to assisting children in matters ranging from bullying to abuse. The helpline provided counseling, tracking, and referrals to social services.

Early and Forced Marriage: The law does not specify a minimum age for marriage, although Ministry of Justice guidelines referred marriage applications to sharia courts to determine the validity of a marriage when the bride was under the age of 16. According to some senior religious leaders, girls as young as 10 may marry. Families sometimes arranged such marriages to settle family debts without the consent of the child. The HRC and NSHR monitored cases of child marriages, which they reported were rare or at least rarely reported, and took steps to prevent consummation of the marriage. Media reports quoted judges as saying the majority of child marriage cases in the country involved Syrian girls, followed by smaller numbers of Egyptians and Yemenis. There were media reports that some

men traveled abroad to find brides, some of whom were legally minors. The application for a marriage license must record the bride's age, and registration of the marriage is a legal prerequisite for consummation. The government reportedly instructed marriage registrars not to register marriages involving children.

Sexual Exploitation of Children: The anticybercrimes law stipulates that punishment for such crimes, including the preparation, publication, and promotion of material for pornographic sites, may be no less than two and one-half years' imprisonment or a fine of 1.5 million riyals (\$400,000) if the crime includes the exploitation of minors. The law does not define a minimum age for consensual sex.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There was no known data on Jewish citizens and no statistics available concerning the religious denominations of foreigners.

Cases of government-employed imams using anti-Jewish language in their sermons were rare and occurred without authorization by government authorities. The law requires government-employed imams to give all sermons delivered in mosques in the country. They must deliver sermons vetted and cleared by the Ministry of Islamic Affairs. During the year the ministry issued periodic circulars to clerics and imams in mosques directing them to include messages on the principles of justice, equality, and tolerance and to encourage rejection of bigotry and all forms of racial discrimination in their sermons. According to the ministry, no imams publicly espoused intolerant views warranting dismissal during the year. Unauthorized imams continued to employ intolerant views in their sermons.

During the year some anti-Semitic texts were observed at government-sponsored book fairs. Some anti-Semitic material remained in school textbooks, and anti-Semitic comments by journalists, academics, and clerics appeared in the media, as well as those by private citizens in social media.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, or the provision of other state services or other areas. The law does not require public accessibility to buildings, information, and communications. Newer commercial buildings often included such access, as did some newer government buildings. Children with disabilities could attend government-supported schools.

Persons with disabilities could generally participate in civic affairs, and there were no legal restrictions that prevented persons with disabilities from voting in municipal council elections. The Ministry of Labor and Social Development was responsible for protecting the rights of persons with disabilities. Vocational rehabilitation projects and social care programs increasingly brought persons with disabilities into the mainstream. Persons with disabilities were elected and appointed as members of municipal councils in 2015, and two individuals with disabilities served on the consultative Shura Council, which was reconstituted in December 2016.

National/Racial/Ethnic Minorities

Although racial discrimination is illegal, societal discrimination against members of national, racial, and ethnic minorities was a problem. There was also discrimination based on tribal or nontribal lineage. Descendants of former slaves in the country, who have African lineage, faced discrimination in both employment and society. There was formal and informal discrimination, especially racial discrimination, against foreign workers from Africa and Asia. The tolerance campaign of the King Abdulaziz Center for National Dialogue sought to address some of these problems, and it provided training during the year to combat discrimination against national, racial, or ethnic groups.

The government's multi-year Tatweer project to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam began in 2007. As of 2016 the government reported it had developed new curricula and textbooks for all grades.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Under sharia as interpreted in the country, consensual same-sex sexual conduct is punishable by death or flogging, depending on the perceived seriousness of the case. It is illegal for men “to behave like women” or to wear women’s clothes and vice versa. Due to social conventions and potential persecution, lesbian, gay, bisexual, transgender, and intersex (LGBTI) organizations did not operate openly, nor were there gay rights advocacy events of any kind. There were reports of official societal discrimination, physical violence, and harassment based on sexual orientation or gender identity in employment, housing, access to education, and health care. Stigma or intimidation acted to limit reports of incidents of abuse. Sexual orientation and gender identity could constitute the basis for harassment, blackmail, or other actions.

There were no government efforts to address potential discrimination. In March 2016 newspapers quoted PPO officials as stating the bureau would seek death sentences for anyone using social media to solicit homosexual acts. There were no reports, however, that PPO sought death sentences in LGBTI cases during the year (see section 1.a.).

HIV and AIDS Social Stigma

There were no reports of societal violence or discrimination against persons with HIV/AIDS. By law the government deported foreign workers who tested positive for HIV/AIDS upon arrival or who tested positive when hospitalized for other reasons. There was no indication that HIV-positive foreigners failed to receive antiretroviral treatment or that authorities isolated them during the year. The Ministry of Health’s HIV/AIDS program worked to fight stigma and discrimination against persons with HIV/AIDS.

Other Societal Violence or Discrimination

Violence and social, legal, economic, and political discrimination against the country’s Shia minority continued. During the year authorities took steps to prosecute a number of social media users for tweets deemed sectarian (anti-Shia) in nature. HRW claimed that some state clerics and institutions “incited hatred and discrimination against religious minorities, including the country’s Shia Muslim minority.”

To address the problem, the Ministries of Defense and Interior and the National Guard included antidiscrimination training in courses run by the King Abdulaziz Center for National Dialogue for police and other law enforcement officers (see section 6, Other Societal Violence and Discrimination).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law does not provide for the right of workers to form and join independent unions. The law does not provide for the right to collective bargaining or the right to conduct legal strikes. The law does not prohibit antiunion discrimination or require reinstatement of workers fired for union activity.

The government did not respect freedom of association and the right to collective bargaining. There were no labor unions in the country, and workers faced potential dismissal, imprisonment, or, in the case of migrant workers, deportation for union activities. The High Commission for the Settlement of Labor Disputes, a specialized committee under the Ministry of Labor and Social Development, is a labor court that hears employment-related disputes in the private sector.

The government allowed citizen-only labor committees in workplaces with more than 100 employees, but it placed undue limitations on freedom of association and was heavily involved in the formation and activities of these committees. For example, the ministry approves the committee members and authorizes ministry and employer representatives to attend committee meetings. Committee members must submit the minutes of meetings to management and then transmit them to the minister; the ministry can dissolve committees if they violate regulations or are deemed to threaten public security. Regulations limit committees to making recommendations to company management only regarding improvements to working conditions, health and safety, productivity, and training programs. In its 2015 annual report, the NSHR registered 214 labor-related complaints.

On January 1, the Mecca Criminal Court sentenced 49 workers of the Saudi bin Laden Group to prison terms and flogging for rioting and damaging public property during a protest over unpaid wages in 2016, according to multiple press reports. Sentences ranged from 45 days in jail to four months in prison and 300 lashes.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but the government did not effectively enforce legal protections for migrant workers. Forced labor occurred, especially among migrant workers--notably domestic servants--and children. Conditions indicative of forced labor experienced by foreign workers included withholding of passports, nonpayment of wages, restrictions on movement, and verbal, physical, and sexual abuse. Labor law prohibits the confiscation of passports and nonpayment of wages. Violations of labor laws resulted in fines of up to one million riyals (\$266,666), prison terms up to 15 years, and restrictions on the entity's ability to recruit foreign workers. Many noncitizen workers, particularly domestic employees who were not covered under the labor law, were not able to exercise their right to end their contractual work. An employer may require a trainee to work for him or her upon completion of training for a period not to exceed twice the duration of the training or one year, whichever is longer.

Restrictive sponsorship laws increased workers' vulnerability to forced labor conditions and made many foreign workers reluctant to report abuse. The contract system does not allow workers to change employers or leave the country without the written consent of the employer. During the year numerous migrant workers reported being laid off, sometimes after months of nonpayment of salaries. Some remained stranded in the country because they were unable to pay required exit visa fees. A few countries that previously allowed their citizens to migrate to the country for work prohibited their citizens from seeking work there after widespread reports of worker abuse.

The government continued implementation of the Wage Protection System (WPS), which required employers to pay foreign workers through bank transfers, thereby allowing the ministry to track whether workers were paid appropriately. All employers with more than 10 employees were required to comply with WPS regulations as of August 1. WPS covers 6.4 million employees. The Ministry of Labor and Social Development fined companies 3,000 riyals (\$800) for delaying payment for employees' salaries on the first occurrence and blocked companies from accessing government services if a company delayed salaries for two or more months.

Throughout the year the government strictly implemented measures to limit the number of noncitizen workers in the kingdom. The government also penalized Hajj tourist agencies that engaged in human trafficking and local companies that abused the country's visa laws to bring individuals into the country for reasons other than to employ them directly. During the period between April 2015 and

March 2016, the government reported a 257 percent increase in the number of traffickers convicted and a 1,054 percent increase in the number of victims identified. Many individuals either left their legal sponsors' employment or stayed on after expiration of their work visas and residence permits. A smaller number came as religious pilgrims and overstayed their visas. Because of their undocumented status, many persons in the country were susceptible to forced labor, substandard wages, and deportation by authorities.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides that no person younger than 15 may legally work unless that person is the sole source of support for the family. Children between the ages of 13 and 15 may work if the job is not harmful to health or growth and does not interfere with schooling. The law provides that hazardous operations or harmful industries may not employ legal minors, and children under the age of 18 may not be employed for shifts exceeding six hours a day. There is no minimum age for workers employed in family-owned businesses or other areas considered extensions of the household, such as farming, herding, and domestic service.

The HRC and NSHR are responsible for monitoring enforcement of child labor laws. There was little information on government efforts to enforce relevant laws or actions to prevent or eliminate child labor during the year. Authorities most commonly enforced the law in response to complaints of children begging on the streets.

Most child labor involved children from other countries, including Yemen and Ethiopia, forced into begging rings, street vending, and work in family businesses.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations do not prohibit discrimination on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, or HIV-positive status. Discrimination with respect to employment and occupation occurred with respect to all these categories.

The Ministry of Labor and Social Development explicitly approved and encouraged the employment of women in specific sectors, particularly in government, but women faced many discriminatory regulations. The third-quarter 2016 *Labor Force Survey* report by the General Authority for Statistics found that Saudi girls and women (15 years of age and above) constituted 22 percent of the country's total labor force (Saudi and non-Saudi, 15 years of age and above). The same report estimated that women and girls, both Saudi and foreign, represented 17 percent of all employed persons (15 years of age and above) in the country. Most non-Saudi women were employed as domestic workers. Rules limited the type of work women were allowed to perform, required them to wear a veil in most workplaces, and enforced gender segregation in the workplace on penalty of fines.

There is no regulation requiring equal pay for equal work. In the private sector, the average monthly wage of Saudi women workers was 58 percent of the average monthly wage of Saudi men. The labor dispute settlement bodies did not register any cases of discrimination against women.

Regulations ban women from 24 professions, mostly in heavy industry, but create guidelines for women to telework. Nevertheless, some factories and manufacturing facilities, particularly in the Eastern Province, employed men and women, who worked separate shifts during different hours of the day. Despite gender segregation, the law grants women the right to obtain business licenses with the approval of their guardians, and women frequently obtained licenses in fields that might require them to supervise foreign workers, interact with male clients, or deal with government officials. It is against the law for a potential employer to ask a female applicant for her guardian's permission when she applies for a job. In medical settings and the energy industry, women and men worked together, and in some instances, women supervised male employees. Women who work in establishments with 50 or more female employees have the right to maternity leave and childcare.

Discrimination with respect to religious beliefs occurred in the workplace. Members of the Shia community complained of discrimination based on their religion and had difficulty securing or being promoted in government positions. Shia were significantly underrepresented in national security-related positions, including the Ministries of Defense and Interior and the National Guard. In predominantly Shia areas, Shia representation was higher in the ranks of traffic police, municipalities, and public schools. A very small number of Shia occupied high-level positions in government-owned companies and government agencies

(see section 3, Participation of Women and Minorities). Shia were also underrepresented in employment in primary, secondary, and higher education.

Discrimination against Asian and African migrant workers occurred (see section 6, National/Racial/Ethnic Minorities). The King Abdulaziz Center for National Dialogue continued programs that sought to address some of these problems and provided training during the year to combat discrimination against national, racial, or ethnic groups. There were numerous cases of assault on foreign workers and reports of worker abuse.

Informal discrimination in employment and occupation occurred on the basis of sex, gender, race, religion, and sexual orientation or gender identity.

On March 29, the Ministry of Interior's General Directorate of Passports announced a national campaign to identify, arrest, fine, and deport individuals found in violation of the kingdom's residency laws under the title of "Nation Without Violators." The campaign began with a 90-day grace period or general amnesty to allow irregular migrants to depart the kingdom "without penalty," after which authorities extended the grace period in coordination with international organizations. The Human Rights Committee reported that law enforcement agencies had been trained in screening vulnerable populations for human trafficking indicators and the campaign was being carried out in accordance with antitrafficking in persons protections.

e. Acceptable Conditions of Work

The monthly minimum wage for public sector employees was 3,000 riyals (\$800). There was no private sector minimum wage for foreign workers; the government's "Nitaqaat" (Saudization) program effectively set a general minimum private sector wage for citizens at 3,000 riyals (\$800) per month.

An estimated 7.41 million noncitizens, including approximately 666,000 noncitizen women, made up approximately 57 percent of the labor force, according to the General Authority for Statistics third-quarter 2016 *Labor Force Survey*. Legal workers generally negotiated and agreed to work conditions prior to their arrival in the country, in accordance with the contract requirements contained in the labor law.

The law provides penalties of between 500 and 1,000 riyals (\$133 and \$267) for bringing foreigners into the country to work in any service, including domestic service, without following the required procedures and obtaining a permit.

The labor law provides for regular safety inspections and enables ministry-appointed inspectors to examine materials used or handled in industrial and other operations and to submit samples of suspected hazardous materials or substances to government laboratories. The Ministry of Health's Occupational Health Service Directorate worked with the Ministry of Labor and Social Development on health and safety matters. Regulations require employers to protect some workers from job-related hazards and disease, although some violations occurred. These regulations did not cover farmers, herdsmen, domestic servants, or workers in family-operated businesses. Foreign nationals privately reported frequent failures to enforce health and safety standards. The ministry employed nearly 1,000 labor inspectors.

The law requires that a citizen or business must sponsor foreign workers in order for them to obtain legal work and residency status, although the requirement exempts Syrian and Yemeni nationals who overstayed their visas. The ministry implemented measures allowing noncitizen workers to switch their employer to a new employer or company that employed a sufficient quota of Saudi nationals. Despite these revised measures, some workers were unaware of the new regulations and had to remain with their sponsor until completion of their contract or seek the assistance of their embassy to return home. There were also instances in which sponsors bringing noncitizen workers into the country failed to provide them with a residency permit, which undermined the workers' ability to access government services or navigate the court system in the event of grievances. Sponsors with commercial or labor disputes with foreign employees also could ask authorities to prohibit employees from departing the country until the dispute was resolved; however, authorities would not jail or forcibly return fleeing workers within a 72-hour period in order to obtain an exit visa and depart the country as long as they did not have criminal charges or outstanding fines pending against them.

Bilateral labor agreements set conditions on foreign workers' minimum wage, housing, benefits including leave and medical care, and other topics. These provisions were not drafted in line with international standards, and they varied depending on the sending country's relative bargaining power. The labor law and the law against trafficking provide penalties for abuse of such workers.

The government engaged in news campaigns highlighting the plight of abused workers, trained law enforcement and other officials to combat trafficking in persons, and worked with the embassies of labor-sending countries to disseminate information about labor rights to foreign workers. As in previous years, during Ramadan the HRC broadcast a public awareness program on television emphasizing the Islamic injunction to treat employees well.

The government did not always enforce the laws protecting migrant workers effectively. Many migrant workers were employed on terms to which they had not agreed and experienced problems, such as delays in the payment of wages, changes in employer, or changed working hours and conditions. Migrant workers, especially domestic workers, were vulnerable to abuse, exploitation, and conditions contravening labor laws, including nonpayment of wages, working for periods in excess of the 48-hour workweek, working for periods longer than the prescribed eight-hour workday, and restrictions on movement due to passport confiscation. There were also reports of physical and verbal abuse.

Many noncitizen workers, particularly domestic employees, were not able to exercise their right to remove themselves from dangerous situations. Some employers physically prevented workers from leaving or threatened them with nonpayment of wages if they left. Sponsoring employers, who controlled foreign workers' ability to remain employed and in the country, usually held foreign workers' passports, a practice prohibited by law. In some contract disputes, a sponsor held the employee in the country until resolution of the dispute to force the employee to accept a disadvantageous settlement or risk deportation without any settlement.

Foreign workers could contact the labor offices of their embassies for assistance. During the year hundreds of domestic workers, the majority of whom were female, sought shelter at their embassies, some fleeing sexual abuse or other violence by their employers. Some embassies maintained safe houses for citizens fleeing situations that amounted to bondage. The workers usually sought legal help from embassies and government agencies to obtain end-of-service benefits and exit visas.

In addition to their embassies, domestic servants could contact the NSHR, the HRC, the governmental Interministerial General Secretariat to Combat Human Trafficking, and the Migrant Workers' Welfare Department, which provided services to safeguard migrant workers' rights and protect them from abuse.

Workers could also apply to the offices of regional governors and lodge an appeal with the Board of Grievances against decisions by those authorities.